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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,372

05/03/2006

Roland C Santa Ana

7780

64275

7590

03/19/2009

General Counsel, P.C.  
6862 Elm Street  
SUITE 800  
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EXAMINER

YOKAY, ERIN P

ART UNIT

PAPER NUMBER

3751

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DELIVERY MODE

03/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,372	<b>Applicant(s)</b> SANTA ANA, ROLAND C	
	<b>Examiner</b> ERIN YOKAY	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-22 are objected to because of the following informalities: The claim language should read as one sentence, with no periods within the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because in Claims 1, 2, 5, 6, 9, 10, and 17-22, "such as but not limited to" could vary substantially. It is unclear as to what structural features the term "such as but not limited to" includes or excludes. In Claims 2, 6, 10, "any man made material" is vague and indefinite. It is unclear as to what structural features the term "any man made material" includes or excludes. In Claims 9 and 10, a "shape or design including but not limited to a "J" or "P" " is vague and indefinite. It is unclear as to what structural features the term a "shape or design including but not limited to a "J" or "P" " includes or excludes. In Claims 9 and 11-14, a "clean looking and sleek design" is vague and indefinite. It is unclear as to what structural features the term "clean looking and sleek design" includes or excludes.

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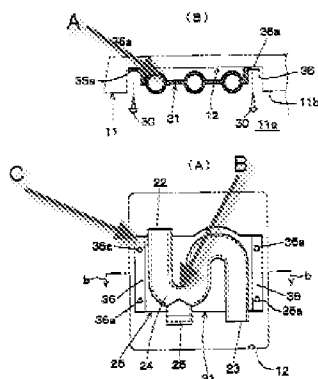
4. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, being as they are confusing as written and it is unclear whether they are method or apparatus claims. These claims are not written in means plus function language.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Patent No. 2001115520 to Kuno in view of US Patent No. 5,267,361 to Lai.



Regarding Claims 1-22, Kuno discloses a drain trap. It includes a detachable wall cover plate A that is secured by a securing device mount to the drain trap unit 24. The

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drain tube unit 24 has three apertures 22/23/28 in “any configuration or design” and can be in the shape of a “J” or “P”. One aperture 22 permits the installation of another tube or fixture. Another aperture 28 is a clean out access for the various parts of the drain trap unit, which permits the attachment of a cap. A third aperture 23 connects the drain trap unit to the waste line or drain pipes 15. There is a partitioning element B preventing sewer gas to escape. There are two stud mount arms C to allow for the drain trap to be attached to the wall. This drain trap can be installed inside or outside of a wall. The installation can prevent a user’s physical contact with the drain trap unit. The drain trap with aperture clean out access is a sediment reservoir or container trap that can be of use in various locations. The materials used in the drain unit are clearly within the scope of being made of man made materials. It is probable that when installed inside a wall that the only parts visible would be the wall cover plate, screws, sealing device, where the user could access the sealing device to remove it and clean the drain trap.

Kuno fails to disclose a flexible a cleaning device and a connector. However, Lai teaches a sealing device 32 that is attached to a detachable cleaning device 33 comprising of a bristle brush 33B for screening and cleaning the drain trap. Lai also teaches a connector 30C to secure a pipe to the drain trap unit. The materials used in these attachments are clearly within the scope of being made of man made materials. It is also probable that when installed inside the wall the connectors could be visible. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a cleaning device of Lai in the drain trap unit of Kuno because the aperture 28 of Kuno is there to allow the user to clean the drain and the cleaner of Lai

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would allow the user to do that. It would also have been obvious to make the cleaning device flexible to allow for easier access to other parts of the drain. Further, it would have been obvious to one of ordinary skill in the art to have included the connector 30C of Lai into the drain trap unit of Kuno to allow for a tight seal between the drain trap and pipes to prevent leaks and other connection problems.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN YOKAY whose telephone number is (571)270-7429. The examiner can normally be reached on Monday through Thursday 7:30-5:00, Every other Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY

/Gregory L. Huson/

Supervisory Patent Examiner, Art Unit 3751